

## **REMARKS**

In the Non-final Office Action mailed on October 11, 2005, the Examiner rejected claims 1-86. In this response the specification is amended and, therefore, claims 1-86 are pending. For the reasons set forth in detail below, applicant submits that the present application, including each of the pending claims is in condition for allowance.

### **Objection to Specification**

While the Examiner has not objected to the Specification, the undersigned has amended the "CROSS-REFERENCE TO RELATED APPLICATION(s)" section of the Specification starting from page 1 through page 3 and has added the Application Serial Numbers and/or Patent Numbers of the references. No new matter has been added by this amendment.

### **Rejection Under 35 U.S.C. § 102(e) of Claims 1-81 and 86**

The Examiner rejected claims 1-81 and 86, which include independent claims 1, 12, 36, 40, 46, 47, 60, 70, 71, and 72, under 35 U.S.C. § 102(e) as being anticipated by Yamano et al. (US Pat. No. 6,636,516).

Regarding each and every one of the above mentioned independent claims, the Office Action refers to Yamano's Abstract, Figures 6-7, column 2 lines 12-56, and column 4 line 55 to column 5 line 56. The Office Action does not show the correspondence between different elements of each claim and Yamano's invention elements; rather, the Office Action generally alleges that the two are similar. However, a more careful reading of Yamano, or merely the passages referenced by the Office Action, reveals several noticeable differences between the claims and Yamano's invention.

Yamano discloses a connection setup table which includes a pair of IP addresses identifying source and destination nodes, a QoS (Quality of Service)

parameter, an ATM (asynchronous transfer mode) address field, and a VC (virtual connection) field. When a packet is received, the table entry is searched for contents of the said ATM address. In Yamano if the ATM address field contains no data, an address resolution request is sent to the public switched packet network (e.g., the Internet) and a destination ATM address is received in reply, which is stored in the ATM address field (Abstract lines 9-14, and column 2, lines 25-30).

In contrast, in all of the above mentioned independent claims no address is requested from outside a destination node. And, as recited in these claims, *inter alia*, at each destination along a routing path the virtual identifier that has been used to route the data communication to that destination is contrasted with the network address associated with that destination and if they are different, an appropriate resource/application-program that is associated with the destination is determined, to which the data communication is supplied for further processing/routing. The resource/application-program recited in these claims helps to further route the data communication without a need for addresses supplied from outside the destination node.

For a claim to be rejected based on anticipation under 35 U.S.C. §102(a), (b), and (e), MPEP 2131 requires that: "to anticipate a claim, the reference must teach every element of the claim." Yamano's routing solution is significantly different from the one recited in the rejected independent claims 1, 12, 36, 40, 46, 47, 60, 70, 71, and 72. Yamano does not teach, suggest, or even imply contrasting at each destination along a routing path the virtual identifier that has been used to route the data communication with the network address associated with that destination, and if they are different, determining an appropriate resource/application-program that is associated with the destination and supplying the data communication to the resource/application-program for further processing/routing. Therefore, a *prima facie* case of anticipation under Section 102 has not been established with respect to these independent claims and accordingly the undersigned requests the withdrawal of the Section 102 rejection of these claims.

Claims 2-11, 13-35, 37-39, 41-45, 48-59, 61-69, and 73-86 depend from independent claims 1, 12, 36, 40, 47, 60, and 72, respectively, and accordingly include the features of these independent claims. For reasons discussed above and for the additional features of these claims, a *prima facie* case of obviousness under Section 102 has not been established with respect to these dependent claims either, and accordingly the Section 102 rejection of claims 2-11, 13-35, 37-39, 41-45, 48-59, 61-69, and 73-86 should also be withdrawn.

#### **Rejection Under 35 U.S.C. § 103(a) of Claims 82-85**

The Examiner rejected dependent claims 82-85 under 35 U.S.C. § 103(a) as being unpatentable over Yamano et al. (US Pat. No. 6,636,516) in view of Pakkala et al. (Pub. No. US 2002/0172195 A1).

Claims 82-85 depend from allowable independent claim 12, discussed above, and accordingly include the features of the independent claim 12. For reasons discussed above and for the additional features of these claims the rejection of dependent claims 82-85 should be withdrawn.

#### **Conclusion**

In view of the foregoing, all of the claims pending in the application are in condition for allowance and, therefore, a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6488.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 030048041US from which the undersigned is authorized to draw.

Dated: 11/15/05

Respectfully submitted,

By 

Chun M. Ng

Registration No.: 36,878

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

(206) 359-7198 (Fax)

Attorney for Applicant